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# JONES, TULLAR & COOPER, P.C.

PATENTS TRADEMARKS AND COPYRIGHTS

SUITE 1002

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January 15, 2004

OF COUNSEL  
COLIN D. BARNITZ  
DEBORAH E. LOBO

Ms. Marianthi Giakoumakis  
321 Caisse  
Montreal, Quebec  
CANADA H4G 3M3

Re: U.S. Patent Application No. 08/876,437  
NON-SURGICAL METHOD FOR  
BREAST AUGMENTATION  
Our Ref: Giakoumakis

RECEIVED  
JAN 20 2004  
GROUP 3600

Dear Ms. Giakoumakis:

Further to my letter of December 29, 2003, I have filed a Request to Withdraw in your above-identified U.S. patent application. A copy of that Request is enclosed.

I take this action reluctantly. However, your inability to provide me with evidence to support your assertion that the invention works, and the long overdue status of your account necessitates this action.

The deadline for filing a response is June 16, 2004. I will await your instructions regarding where to send the file.

Very truly yours,

JONES, TULLAR & COOPER, P.C.

By: 

Douglas R. Hanscom

DRH:jh

Enclosure

3624



Practitioner's Docket No. \_\_\_\_\_

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#29  
n 2w

In re application of: **Marianthi GIAKOUMAKIS**  
Application No.: **08/876,437** Group No.: **3624**  
Filed: **June 16, 1997** Examiner: **Kelly Scaggs Campen**  
For: **NON-SURGICAL METHOD OF BREAST AUGMENTATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPROVED 3-26-04  
JOHN J. LOVE  
DIRECTOR TC 3600

RECEIVED  
JAN 20 2004  
GROUP 3600

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))

**NOTE:** If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.E.P. § 402.06, 8th ed.

**WARNING:** If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

☐ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(c)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Request for Withdrawal as Attorney [12-5]—page 1 of 6)

## REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

*(complete the following item, if appropriate)*

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under

☐ 37 C.F.R. § 1.60(b),

☐ 37 C.F.R. § 1.62(c),

this withdrawal request is also for such continuing application.

## LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the:

☒ inventor(s)

☐ assignee of the entire interest

is Ms. Marianthi Giakoumakis

321 Caisse, Montreal, Quebec CANADA H4G 3M3

## BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§) (1)(iv) & (vi)

Explanation (including brief description of exhibits, if any):

The subject application, and its parent 08/731,008 have been pending since October 9, 1996. The application has been repeatedly rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility. The inventor has not been able to provide any evidence of the utility of the application. The prosecution of the application cannot be advanced without the production of such evidence by the inventor.

The inventor is in arrears in payment of fees and service billings and has been so for at least a year. The amount currently past due is \$2,475.00. The undersigned cannot expend further funds on behalf of the client.

It is to be noted that the undersigned did not prepare the subject application. It was prepared by a registered patent agent who resides in Canada and was sent to the undersigned's law firm with a request that it be filed.

This Request For Withdrawal is submitted by the undersigned attorney of record and is to be considered as requesting the withdrawal of all of the attorneys and agents listed on the Power of Attorney filed with the application. ✓

## ALLOWANCE OF TIME FOR CLIENT TO ACT

### 4. Status of this Application

#### A. Response due (if any)

- (i) ☐ There is no outstanding term for response.
- (ii) ☒ There is an outstanding term for response that is set to expire on March 16, 2004

The above term is extendible under 37 C.F.R. § 1.136(a), until June 16, 2004 and the fees for such extension

☐ are

☒ are not

being submitted herewith.

*(complete the following, if applicable)*

- (iii) ☐ Also submitted herewith, is a response to the outstanding Official Action.

#### B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), is:

☒ at least 5 months.

☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

## NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

A copy of the letter to the client is attached.

NOTE: A practitioner shall not withdraw from employment without giving due notice to his or her client. 37 C.F.R. § 10.40(a).

## NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

NOTE: "To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36 submit the request in triplicate (original and two copies. . ." Notice of September 3, 1985 (1058 O.G. 32).

7. Related Applications for Which Withdrawal is Requested

Withdrawal also is (has been) requested in the following related applications of the:

(check all applicable items)

- ☐ inventor:  
☐ assignee:  
☐ common representative:

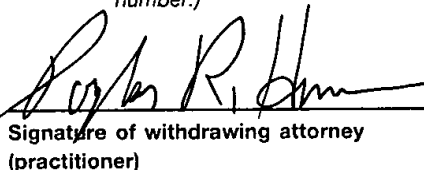
<u>Application Number</u>	<u>Group</u>	<u>Status of Withdrawal request</u>
<u>/</u>	<u>      </u>	<u>      </u>
<u>/</u>	<u>      </u>	<u>      </u>
<u>/</u>	<u>      </u>	<u>      </u>

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER(S))**

NOTE: Each attorney of record must sign the notice of withdrawal or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. M.P.E.P. § 402.06, 6th ed., rev. 3.

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)

(list all the attorneys, and registration numbers, appearing on declaration or power, as appropriate. An authorized attorney signing on behalf of a withdrawing attorney should also show his or her registration number.)

 Reg No 26,600 JAN. 15, 2004  
Signature of withdrawing attorney  
(practitioner)

Douglas R. Hanscom, Reg. No. 26,600

(type or print name of withdrawing  
attorney (practitioner) and registration number)

Colin D. Barnitz, Reg. No. 35,061

George M. Cooper, Reg. No. 20,201

J. Andrew McKinney, Reg. No. 34,672

Eric S. Spector, Reg. No. 22,495

Felix J. D'Ambrosio, Reg. No. 25,721

James W. Hellwege, Reg. No. 28,808

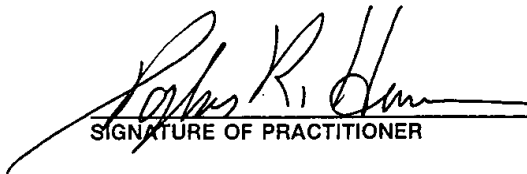
William A. Blake, Reg. No. 30,548

Scott W. Brickner, Reg. No. 34,553

Reg. No.: 26,600

Tel. No.: ( 703 ) 415-1500

Customer No.:

  
SIGNATURE OF PRACTITIONER

Douglas R. Hanscom  
(type or print name of practitioner)

JONES, TULLAR & COOPER, P.C.  
P.O. Address

P.O. Box 2266 Eads Station  
Arlington, VA 22202